

## 8. ENFORCEMENT

*This section provides information about actions taken by the Department of Homeland Security to prevent illegal entry into the United States and to apprehend and remove deportable aliens from the United States.*

### Enforcement of Immigration Laws

The Immigration and Naturalization Service (INS) historically had the responsibility of determining who may be admitted to the United States and for enforcing immigration laws. On March 1, 2003, the INS along with 21 other cabinet level agencies was reorganized under the new Department of Homeland Security (DHS). As part of the realignment, two new bureaus were formed within DHS to handle enforcement actions: the Bureau of Customs and Border Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE). The Inspections and Border Patrol responsibilities shifted to CBP whereas the responsibility of enforcing immigration laws within the United States shifted to ICE. The CBP and ICE enforcement responsibilities include: locating and arresting aliens who are in violation of the Immigration and Nationality Act (INA), *i.e.*, aliens attempting an illegal entry, aliens who successfully complete an illegal entry, and aliens who entered the United States legally but have since lost their legal status. The arrests are known as apprehensions. Almost all of the work involved in locating and arresting aliens is done by either Border Patrol agents under CBP or Investigations special agents under ICE. Immigration inspectors under CBP work to prevent the entry of inadmissible aliens at a port of entry. The custody and processing of apprehended aliens and certain aliens refused entry are a joint effort involving arresting agents, DHS attorneys, and detention and deportation officers. Aliens refused admission or apprehended may be removed from the United States as described below.

#### The September 11 terrorist attacks

The September 11, 2001 terrorist attacks impacted the enforcement work done by the INS and continue to impact the work carried out by CBP and ICE. This impact is reflected in the statistics reported in this section. Notable is a change in the types of cases worked by investigators, and increased controls on migration—both at ports of entry and between ports of entry. These impacts are discussed in the sections below.

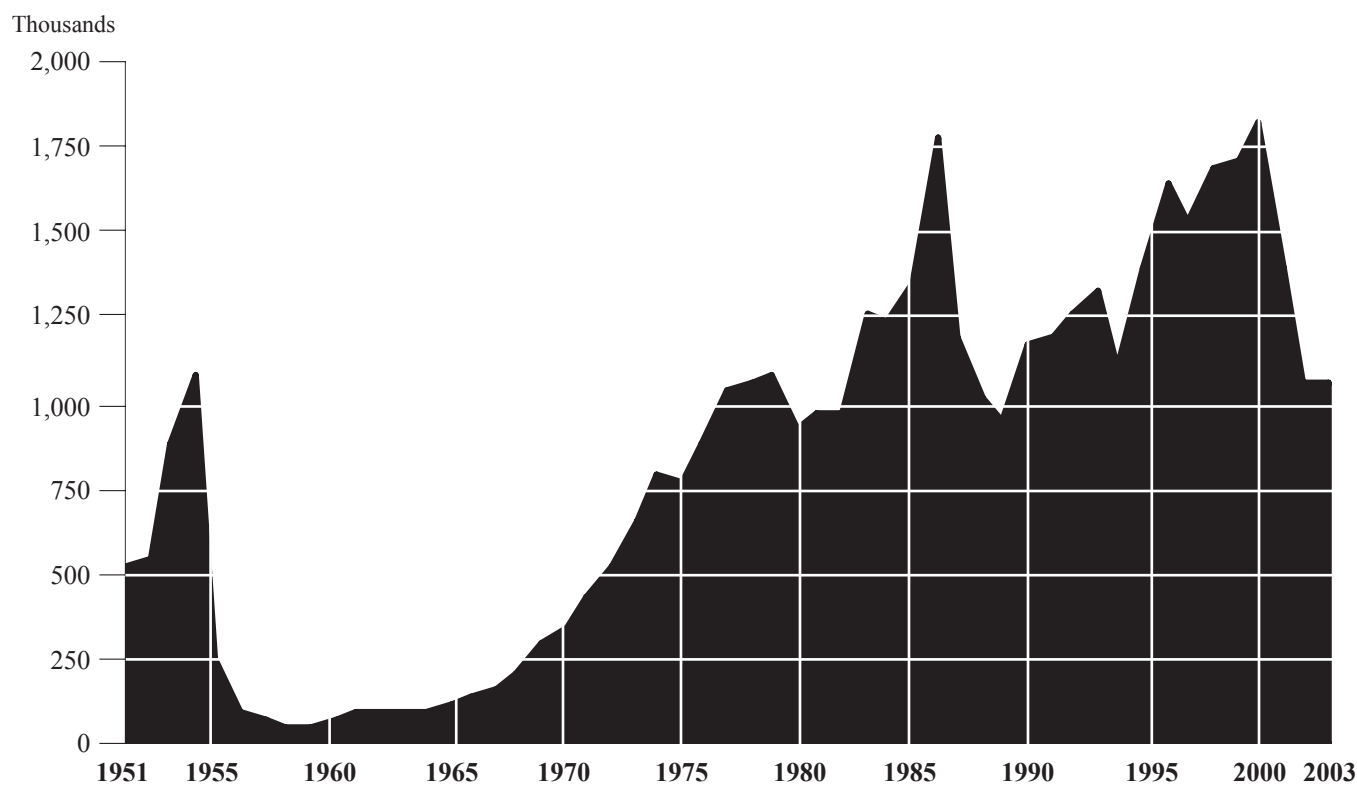
### Border Patrol

The primary mission of the Border Patrol is to secure the 8,000 miles of land and water boundaries of the United States between ports of entry. The major objectives of the Border Patrol are to prevent illegal entry into the United States, interdict drug smugglers and other criminals, and compel those persons seeking admission to present themselves legally at ports of entry for inspection. The CBP “prevention through deterrence” strategy calls for deploying Border Patrol agents along the border to prevent and deter illegal entry, rather than apprehending undocumented immigrants after they have entered the United States. Border Patrol operations are divided into 21 sectors. The southwest border covers four states (California, Arizona, New Mexico, and Texas) and divides into nine sectors: San Diego and El Centro in California; Yuma and Tucson in Arizona; El Paso sector covering New Mexico and the western-most portion of Texas; and Marfa, Del Rio, Laredo, and McAllen in Texas. The remaining 12 sectors are: Livermore, California; New Orleans, Louisiana; Miami, Florida; Havre, Montana; Blaine and Spokane in Washington; Grand Forks, North Dakota; Buffalo, New York; Swanton, Vermont; Detroit, Michigan; Ramey, Puerto Rico; and Houlton, Maine.

### Investigations

The investigations activity focuses on the enforcement of immigration laws within the interior of the United States. Special agents plan and conduct investigations of persons and events subject to the administrative and criminal provisions of the INA. Agents use both traditional and modern technological methods, including forensic science, to investigate violations of immigration law and aliens involved in criminal activities. They often work as team members in multi-agency task forces against terrorism, violent crime, document fraud, narcotic trafficking, and various forms of organized crime. They also seek to identify aliens who are incarcerated and deportable as a result of their criminal convictions. In addition, agents monitor and inspect work sites to apprehend unauthorized

**Chart L**  
**Aliens Apprehended: Fiscal Years 1951-2003**



Source: Tables 35 and 36. See Glossary for fiscal year definitions.

alien workers and to impose sanctions against employers who knowingly employ them. Apprehensions at places of employment may result in removal from the workplace and also can result in removal from the United States.

### Inspections

Customs and Border Protection inspectors determine the admissibility of aliens who have arrived at a designated port of entry. There are approximately 300 such ports in the United States. Inspectors may permit most inadmissible aliens the opportunity to withdraw their application for admission or, in some cases, inspectors will refer an alien to an immigration judge for removal proceedings. Since April 1997, inspectors have had the authority to order certain aliens removed under expedited removal proceedings without further hearings or review by an immigration judge. The expedited removal order carries the same penalties as a removal order issued by an immigration judge. Immigration inspectors also prepare cases for criminal prosecution by United States Attorneys, including cases involving alien smuggling, document fraud, and attempted illegal entry.

### Detention and Removal

Officers and staff of the Detention and Removal Program are responsible for monitoring the cases of aliens in removal proceedings. In addition, the program provides detention funding and positions in most Border Patrol sectors. Officers assume custodial responsibility for alien detainees providing for their needs including food, shelter, medical care, access to counsel, and recreation. The officers determine appropriate release conditions and facilitate release of detained aliens on parole, bond, and recognizance or pursuant to orders of supervision where appropriate. Officers enforce the departure from the United States of deportable and inadmissible aliens under final removal orders. This activity requires securing travel documents and related liaison with foreign governments, making travel arrangements, and providing escorts as required.

### The Removal Process

Removal proceedings encompass the actions that lead to the formal removal of an alien from the United States when the presence of that alien is deemed inconsistent with the public welfare. The DHS has several options in

removing an alien from the United States. Traditionally, these options included deportation, voluntary departure, and exclusion; however, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made major revisions to these procedures, effective April 1, 1997. Deportation and exclusion proceedings were consolidated as removal proceedings (with voluntary departure continuing as an option at government convenience). The most significant change was the new authority for expedited removals.

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### ***More than 79,000 criminal aliens were removed during 2003.***

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Most removal proceedings are conducted before an immigration judge. Possible outcomes of an immigration hearing include removal, adjustment to a legal status, or a termination of proceedings. Some aliens abscond before or after the hearing. Decisions of the immigration judge can be appealed to the Board of Immigration Appeals.

Under expedited removal an immigration officer may determine that an arriving alien is inadmissible because the alien engaged in fraud or misrepresentation or lacks proper documents. The officer can order the alien removed without further hearing or review unless the alien states a fear of persecution or an intention to apply for asylum. Officers refer aliens who make such pleas to an asylum officer and the case may eventually be argued before an immigration judge.

The penalties associated with formal removal include not only the removal but possible fines, imprisonment for up to 10 years for aliens who do not appear at hearings or who fail to depart, and a bar to future legal entry (the bar is permanent for aggravated felons and up to 20 years for other aliens). The imposition and extent of these penalties depend upon the circumstances of the case.

#### **Voluntary departure**

In some cases, an apprehended alien may be offered a voluntary departure. This procedure is common with non-criminal aliens who are apprehended by the Border Patrol during an attempted illegal entry. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are removed under supervision. Some aliens apprehended within the United States agree to voluntarily

depart and pay the expense of departing. These departures may be granted by an immigration judge or, in some circumstances, by a DHS Field Office Director. Aliens who have agreed to a voluntary departure can be legally admitted in the future without penalty. Although such departures are called "voluntary departures," they are required and verified.

#### **Data Overview: Apprehensions**

(Tables 35-39)

Aliens are apprehended under two DHS activities: Border Patrol and Investigations. The largest of these programs is the Border Patrol. In fiscal year 2003, the DHS apprehended 1,046,422 aliens. Of this number, the Border Patrol made 931,557 apprehensions, of which 97 percent were made along the southwest border. During the fiscal years 1986-2003, the Border Patrol accounted for 90 to 97 percent of total apprehensions, and Investigations for 3 to 10 percent. Technically, an inspector does not apprehend aliens and their interceptions of inadmissible aliens are not reported in the apprehension statistics.

#### **Southwest border apprehensions** (Table 37)

Southwest border apprehensions previously reached a high of 1,615,844 in fiscal year 1986 and then decreased 3 consecutive years immediately following enactment of the Immigration Reform and Control Act (IRCA) of 1986. This legislation allowed 2.7 million formerly illegal aliens to become legal immigrants, established sanctions against employers who hire illegal aliens, and authorized an increase in the size of the Border Patrol. The number of apprehensions reached a low of 852,506 in 1989 and then began increasing. The number of southwest border apprehensions in 2000 set a new record high at 1,643,679, and declined nearly 25 percent to 1,235,718 in 2001. In fiscal year 2003 southwest border apprehensions remained below the levels reported prior to the September 11, 2001 terrorist attacks in New York City and Washington D.C. Fiscal year 2003 southwest border apprehensions declined to 905,065 or a 27 percent decrease when compared to fiscal year 2001.

#### **Border Operations** (Tables 37, 38)

Several major INS operations have had an impact on apprehensions over the years. These operations typically deploy agents nearer the border at strategic locations in order to deter illegal entry. The number of apprehensions tends to decrease in the targeted areas and increase in surrounding sectors.

The first initiative was Operation Hold-the-Line, in El Paso, beginning in September 1993. The second, Operation Gatekeeper, began in San Diego in October 1994. These two sectors accounted for two out of every three apprehensions along the southwest border in fiscal year 1993. The percentage dropped to 50 percent of the total in 1995, and was approximately 22 percent in fiscal year 2003.

The number of apprehensions in El Centro, CA and Tucson, AZ, the sectors east of San Diego, increased following introduction of Operation Gatekeeper. The number of apprehensions in Tucson increased from 139,473 in fiscal year 1994 to 616,346 in 2000 and then declined to 347,263 in 2003. El Centro increased from 27,654 in fiscal year 1994 to 238,126 in 2000 and then declined to 92,099 in 2003. Both Tucson and El Centro had a larger percentage decrease between 2000 and 2003 than San Diego and El Paso. McAllen surpassed El Paso as the leading sector in number of apprehensions in Texas following Operation Hold-the-Line in 1994, going from 124,251 in 1994 to 243,793 in 1997. Reacting to the increases, the INS began a new operation in McAllen in August 1997 called Operation Rio Grande. Apprehensions declined to 77,749 in fiscal year 2003, a 68 percent decrease compared to 1997. El Paso again has the largest number of apprehensions along the Texas/Mexico border.

#### **Nationality** (Table 36)

Nationals of 192 countries were apprehended in fiscal year 2003—aliens from Mexico predominated, accounting for 92 percent of the total. The next largest source countries were Honduras, El Salvador, Guatemala, Brazil, Pakistan, the Dominican Republic, Canada, Indonesia, Cuba, Colombia, Jamaica, Egypt, the People's Republic of China, Nicaragua, and Bangladesh.

### **Data Overview: Investigations**

(Table 39)

Investigations work is composed of five major categories—criminal, work site enforcement, fraud, anti-smuggling, and entered without inspection/status violators.

#### **Criminal**

Criminal cases have historically represented the largest proportion of the total Investigations workload. In fiscal year 2003 they account for 70 percent of cases completed that are shown in Table 39. These cases steadily increased

over the years from 46,236 cases in 1994 to 100,044 in 1999, an increase of 116 percent. In fiscal year 2003 completed criminal investigations increased by 4 percent when compared to fiscal year 2002. The targets of these investigations include large-scale organizations engaged in ongoing criminal activity in violation of Title 8 or Title 18, U.S.C. or similar laws, including those pertaining to narcotics and terrorism. Criminal cases also include individual aliens convicted of a crime or crimes rendering them subject to DHS action, aliens arrested for the commission of an aggravated felony, aliens involved in activities considered contrary to the security of the United States, and aliens involved in certain immoral activities. Defendants prosecuted in 2003 increased 36 percent compared to the number in 2002, and the number of defendants convicted was up 24 percent.

#### **Work site enforcement**

The focus of work site enforcement is employers of aliens who are not authorized to work. Immigration law prohibits the unlawful employment of aliens and provides for penalties and fines against employers who hire, recruit, or refer aliens for employment for a fee. Employer cases may involve criminal or administrative investigations as well as general inspections. Employer cases may also originate as referrals from the Department of Labor. Total work site cases completed dropped annually from 7,053 cases in fiscal year 1992 to 5,149 cases in 1996, then rose to a high of 7,788 in 1998. Between 1998 and 2001 the number of cases completed declined 80 percent. In fiscal year 2003, completed cases increased by 38 percent compared to 2001. The number of arrests rose significantly from 7,554 in fiscal year 1994 to a high of 17,554 in 1997, an increase of 132 percent. The number of arrests declined sharply in the next six years, dropping to 445 in 2003.

#### **Fraud investigations**

Fraud investigations seek to penetrate fraud schemes of all sizes and complexity that are used to violate immigration and related laws, or used to shield the true status of illegal aliens in order to obtain entitlement benefits from federal, state, or local agencies. Fraud cases completed in fiscal year 2003 increased by 523 cases or approximately 21 percent compared to 2002. Of the 3,050 fraud cases completed in fiscal year 2003, 57 percent pertained to individuals involved in immigration fraud. These cases involve aliens misrepresenting themselves through the misuse or absence of documents.



### Smuggling investigations

ICE smuggling investigations include the detection, apprehension, and prosecution of alien smuggling operations. The targets of these investigations are persons or entities who bring, transport, harbor, or smuggle illegal aliens into or within the United States. The targets include violators with a substantial volume of smuggled aliens or revenues from the smuggling activity, *e.g.*, organized conspiracies consisting of four or more persons, individuals such as freelance operators who smuggle infrequently or independently, and non-professional violators who smuggle relatives, household employees, or employees of small businesses. The bureau completed 2,346 smuggling investigations cases in fiscal year 2003, a 2 percent decrease from the 2,395 cases completed in 2002. In 2003, 14,418 smuggled aliens were arrested, a 79 percent decrease from the high of 68,203 in 1995.

### Summary of fiscal year 2003 investigations activities

For the five investigative categories shown in Table 39, there was an overall increase of 8 percent in case completions in fiscal year 2003 when compared to the previous fiscal year. Between 2001 and 2002 the total number of cases completed declined by 11 percent. This was in part due to a shift in investigative priorities and resources following the September 11, 2001 terrorist attacks in New York City and Washington, D.C. This shift was defined by an increased emphasis on more complex criminal terrorist and absconder cases. Completions for criminal terrorist cases increased 304 percent from 298 cases in fiscal year 2001 to 1,205 cases in 2002. The shift in priorities and resources remained in fiscal year 2003. The number of criminal cases completed, when compared to 2001, increased 332 percent to 1,286. Special agent terrorist resource expenditures increased from 115,000 hours in fiscal year 2001 to 244,000 hours in fiscal year 2003, an increase of 112 percent.

In addition, the Absconder Apprehension Initiative was implemented in fiscal year 2002 with an increased emphasis on locating, apprehending, and interviewing aliens with unexecuted orders of removal. As a result, absconder case completions rose from 1,249 cases in fiscal year 2001 to 3,688 cases completed in 2002, a 195 percent increase. In fiscal year 2003 compared to 2001, absconder cases completed increased 89 percent to 2,357. Also, special agent hours dedicated to absconder cases increased from 9,000 in fiscal year 2001 to 60,000 in fiscal year 2003.

### Data Overview: Detention

The DHS detained approximately 231,500 aliens during fiscal year 2003. Approximately 115,000 of these aliens had criminal records. The average daily detention population was 21,133. Although 52 percent of all detainees were aliens from Mexico, their relatively short stays in detention meant that they accounted for only 22 percent of detention bed days. The other leading countries were: Cuba (8 percent of bed days); Honduras and El Salvador (7 percent each); Guatemala (6 percent); People's Republic of China (5 percent); Haiti (4 percent); and Jamaica, the Dominican Republic, and Brazil (3 percent each).

### Data Overview: Removals (Tables 40-47)

The most complete picture of adverse actions involving individual aliens includes aliens who withdraw their application for admission when presented with evidence of their inadmissibility, aliens who are allowed to voluntarily depart, and aliens who are formally removed with consequent penalties. The following table summarizes the activities in fiscal year 2003:

	Number of aliens
Withdrew application for admission	431,807
Accepted offer of voluntary departure	887,115
Formally removed (with penalties)	186,151

### Withdrawal of application for admission and other actions at ports of entry

An immigration inspector makes the decision to permit a withdrawal of an application for admission at a port of entry. The inspector also has the authority to place an arriving alien in expedited removal proceedings (discussed below). The DHS has very little data on the characteristics of those who are permitted to withdraw. In addition to withdrawals and expedited removal actions, inspectors referred an additional 9,432 aliens to hearings before an immigration judge during fiscal year 2003.

### Voluntary departure (Tables 40, 41, 47)

More than 99 percent of voluntary departures involve aliens who are apprehended by the Border Patrol and removed quickly. This statistic includes recidivists and thus is a measure of events rather than unique individuals. The DHS does not currently have a centralized automated information system with the characteristics of most of these aliens. From 1997 through 1999 the INS compiled data about the approximately 65,000 aliens a year who admitted that they had been in the United States illegally

for longer than 3 days and agreed to a witnessed departure. Of this group, approximately 99 percent were aliens from Mexico; their median age was 24 years, and 92 percent were male. These aliens are probably similar to the rest of the voluntary departures but they have been in the United States for a longer period; 26 percent had been here longer than a year and another 38 percent had been here longer than a month but less than one year. One other characteristic distinguishes this longer-staying group (but not all voluntary departures)—the INS located 25 percent of these aliens in institutions (generally, county jails). Those found in incarceration were granted a witnessed voluntary departure because their crimes were minor or local authorities declined to prosecute.

#### **Formal removal** (Tables 40-46)

In fiscal year 2003, the number of formal removals increased about 24 percent from fiscal year 2002. This increase resulted from an increase of 25 percent in expedited removals. Non-expedited removals increased 24 percent. The following table illustrates the impact of expedited removals (a subset of total removals):

Fiscal year	Total removals	Expedited removals
2003 .....	186,151	43,248
2002 .....	150,084	34,500
2001 .....	177,739	69,827
2000 .....	185,987	85,921
1999 .....	180,902	89,160
1998 .....	173,146	76,078
1997 .....	114,432	23,242
1996 .....	69,680	X
1995 .....	50,924	X
1994 .....	45,674	X

X Not applicable.

#### **Expedited removal**

Expedited removals were 23 percent of all formal removals in fiscal year 2003. Expedited removal procedures allow the DHS to quickly remove certain inadmissible aliens from the United States. In fiscal year 2003, the DHS used these procedures with aliens arriving at ports of entry who illegally attempted to gain admission by fraud or misrepresentation, or with no entry documents, or by using counterfeit, altered, or otherwise fraudulent or improper documents. Aliens placed in the expedited

removal process have the opportunity to claim a fear of persecution, or an intention to apply for asylum, or they may claim to have certain legal status in the United States. All cases are reviewed by a supervisor and aliens who have made certain claims may be referred to an asylum officer and ultimately to an immigration judge.

The number of expedited removals decreased significantly in fiscal year 2002 as a result of actions taken by the INS after the September 11 attacks. In part, tightened border security may have been a deterrent to those seeking admission at a port of entry without proper documents or with fraudulent documents. Part of the decrease may also have been attributed to changes in the inspections process. Because of the heightened security level and more extensive primary inspection, the INS had fewer staffing resources to devote to the more complex and time-consuming expedited removal process. Many inadmissible aliens who could have been placed in expedited removal were instead permitted to withdraw their application for admission and return to their country of origin. In fiscal year 2003 the number of expedited removals increased and the number of aliens subject to expedited removal who were allowed to withdraw decreased.

Inspectors determined that about 497,000 arriving aliens in fiscal year 2003 were inadmissible. Of these about 181,000 were inadmissible for reasons that made them subject to expedited removal. However, 128,000 of those aliens were allowed to withdraw their application for admission. The remaining 53,000 were placed in expedited removal. Only about 6,000 of these aliens expressed a fear of being returned to their country of origin if denied admission; they were referred to an asylum officer. About 90 percent of those 6,000 aliens were found to have a credible fear of persecution, and were taken out of the expedited removal process, and scheduled for hearings before an immigration judge.

Aliens from Mexico accounted for over 81 percent of expedited removals in fiscal year 2003. The next largest countries are Brazil, the Dominican Republic, Guatemala, Jamaica, and Peru (all with three percent or fewer of total expedited removals). Approximately 68 percent of all expedited removals occurred at ports of entry in one of three southwest Districts: San Diego, CA (47 percent); Phoenix, AZ (13); and Harlingen, TX (8).

**Country of nationality** (Table 43)

Aliens with a formal removal came from 178 countries in fiscal year 2003; 51 countries had more than 100 aliens removed from the United States. However, just 9 countries accounted for almost 92 percent of all formal removals. Eight of these 9 countries have been the top countries for several years with approximately 88 percent or more of all formal removals each year since 1993. Beginning in 2002 Brazil displaced Canada from the list.

Country	Number removed	Number of criminals
Mexico .....	137,819	62,518
Honduras .....	7,700	1,862
Guatemala .....	6,674	1,483
El Salvador .....	4,933	1,982
Brazil .....	3,797	210
Dominican Republic	3,284	2,139
Colombia .....	2,081	1,319
Jamaica .....	1,999	1,480
Haiti .....	1,032	516

**Criminal activity** (Table 43)

The passage of the Immigration Reform and Control Act in 1986 helped the INS focus on the removal of those aliens determined to be the greatest threat to society. In fiscal year 1986 the INS removed 1,978 aliens for criminal violations (about 3 percent of all removals). The removal of criminal aliens has increased greatly since then. The 2003 removals of 79,395 criminals is an increase of 11 percent from the 2002 removals of 71,530 criminals. The countries that account for most of the removals also account for 93 percent of criminals the DHS removed from the United States in 2003. They have been the leading countries in this category for several years, with 91 percent or more of all criminals removed each year since 1993. The DHS continues to increase cooperation with other law enforcement agencies by using the Institutional Removal Program to insure that incarcerated criminal aliens are placed in removal proceedings. The program seeks to eliminate or minimize the time an alien must be detained by the DHS after release from prison and before removal. In 2003, the DHS removed 27,905 criminal aliens using this program.

The ten most common categories of crime in fiscal year 2003 include:

Crime	Number removed	Percent of total crimes
Dangerous drugs .....	31,352	39
Immigration .....	11,413	14
Assault .....	8,336	11
Burglary .....	3,206	4
Robbery .....	2,806	4
Larceny .....	2,494	3
Sexual assault .....	2,191	3
Family offenses .....	2,238	3
Sex offenses .....	1,609	2
Stolen vehicles .....	1,525	2

**Administrative reason for removal**

(Tables 42, 43-46)

The administrative reason for removal is the primary charge cited by an immigration judge in the order to remove an alien. There are more than 100 charges that might form the basis for a removal in 2003, but most fall into one of three main categories. Aliens who were present in the United States after making an illegal entry account for 40 percent of all aliens formally removed. Those who attempted entry without proper documents, or through fraud or misrepresentation, account for 28 percent. Aliens with criminal charges account for 21 percent. A criminal alien, as defined in the previous section, may not have a criminal charge as the reason for removal if, for example, the immigration judge did not have appropriate documents from the relevant criminal justice system. This distribution is very different than the years before 1998 because of the large number of expedited removal cases; those cases are classified as attempting entry.

**Immigration status at entry to the United States**

At least 64 percent of all aliens with a formal removal attempted (and perhaps completed) an illegal entry between designated ports of entry. Approximately 23 percent attempted to enter at a port of entry without proper documents or through fraud or misrepresentation. The remainder made legal entries but then failed to maintain status; parolees, tourists, and legal permanent residents are the largest groups in this category.

**Aliens removed from the interior**

The DHS defines "interior" removals as the removals of aliens who had been in the United States for longer than 3 days. In fiscal year 2003, about 97,000 formal removals

met this definition—about 52 percent of all formal removals. In addition, as noted previously, about 60,000 aliens were allowed an escorted voluntary departure from the interior. Another 9,000 had other types of voluntary departure. At least 47,000 aliens with formal removals had been in the United States for longer than a year. Aliens apprehended in work site operations and subsequently removed from the United States are a subset of aliens removed from the interior. There were about 400 such aliens formally removed in 2003.

### **Gender and age**

The median age of aliens with a formal removal in fiscal year 2003 was 28 years. The median age of women who were removed in 2003 was 28 years. Between 1992 and 1995 the proportion of women was about 6 percent. The proportion of women rose to 12 percent in 1996, and increased steadily to 24 percent in 2000. Most of that increase is attributable to women from Mexico who attempted entry without proper documents or through fraud. In 1996 the special “Port Court” processing at the San Diego ports provided the resources necessary to put more arriving aliens into proceedings than had been possible before. This special processing continued until the implementation of expedited removal procedures in April 1997. In either case, larger numbers of women were intercepted as they attempted entry in the San Diego area. As noted above the number of expedited removals decreased significantly in 2001 and 2002. One result of the decrease is that the proportion of women declined to 21 percent in fiscal year 2001 and further declined to 14 percent in 2002. With the increase in expedited removal in fiscal year 2003, the proportion of women among all removals is 15 percent. Women are 44 percent of all expedited removals in fiscal year 2003.

## **Understanding the Data**

### **Data Collection**

#### **Apprehension and voluntary departure**

Apprehension data are collected on Form I-213, *Record of Deportable/Inadmissible Alien*. Much of the data collected establishes the identity of the individual and the circumstances of the apprehension. Some demographic data are available, including country of birth, country of citizenship, gender, date of birth, and marital status. However, the Performance Analysis System (PAS) (the principal automated data system for a variety of immigration related workload measures) captures only

aggregated data on country of citizenship, location of apprehension, status at entry, length of time in the United States, and limited information on employment status. Individual offices report these data once a month. Statistics on the number of voluntary departures also are based on data captured on Form I-213. The data on most voluntary departures are aggregated and reported in PAS. The only data element collected is whether the alien was a Mexican national.

### **Voluntary departure (interior)**

Data on aliens granted a voluntary departure who had been in the United States for longer than 3 days are collected from the Form I-213s for those aliens. The data captured for this special subset of aliens is not aggregated to the office level but rather maintained at the individual alien level.

### **Individuals detained, removed**

The data on individuals detained or removed with a formal order of removal or given a voluntary departure under docket control are more extensive. These data are collected via the ICE automated Deportable Alien Control System (DACS). The data captured include immigration status, type of entry into the United States, reasons for removal, history of criminal activity, limited employment information, and basic demographic information such as date of birth, gender, marital status, country of birth, country of citizenship, and country to which deported. In general, these data are entered in DACS over a period of time that begins with the placing of an apprehended alien in docket control. In some DHS offices most of the data entry is done at the time of case closure (removal, adjustment of status, *etc.*).

### **Other data**

Data on drug seizures, accomplishments of the Border Patrol, accomplishments of the Investigations Program, prosecutions, fines, convictions, and judicial activities are captured in PAS. As noted above, these are aggregated data updated once a month by DHS offices.

## **Limitations of Data**

### **Case tracking**

The DHS’ current data systems cannot link an apprehension to its final disposition (removal, adjustment of status, *etc.*). Therefore, analysts should use caution when comparing apprehension and removal data.



Apprehended aliens who choose to use the available appeals procedures will spend several months and perhaps several years in the process before final disposition of their cases. In other words, aliens apprehended in any given fiscal year are quite likely to be removed (or adjusted to legal status, *etc.*) in some future fiscal year. In addition, DHS statistics on apprehensions and removals relate to events, not individuals. For example, if an alien has been apprehended three times during the fiscal year, that individual will appear three times in the apprehension statistics.

### **Time lags in data entry**

The data on removals under docket control (formal removals) reported in this and other editions of the *Statistical Yearbook* should be used cautiously. One problem is the time lag in reporting removals. The data in this *Yearbook* have been adjusted to reflect the actual year of removal. The data for each fiscal year require updating, and cannot be considered complete for at least 3 years.

### **Changes in definitions**

Another area of caution involves changes in definitions across years. For example, the INS/DHS has expanded the information about the crimes of aliens removed in recent years. This change allows the DHS to more accurately count the number of criminals that it removes. The statistics in this *Yearbook* reflect these changes and update the data on criminals from fiscal year 1990 onward.

Changes in definitions and new reporting requirements may also explain some of the variations in the data concerning Investigations activities. In particular, there have been significant changes in the reporting requirements for anti-smuggling and work site enforcement activities.